

July 13, 2006

Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs,
AMS
United States Department of Agriculture
1400 Independence Avenue, SW, Stop 0237
Washington, DC 20250-0237

RE: UglyRipe tomatoes

To Whom It May Concern:

I am writing to you today in support of making the UglyRipe tomatoes available year round.

The UglyRipe is one of my favorites and I it has been unclear to me why I am unable to buy them certain times of the year. I understand it is not a matter of availability, therefore, I wish to emphatically support the USDA rule change proposed which would allow me to have this delicious variety year-round.

Sincerely,

Kimberley Mathews

Swann, Pam

From: alf888@verizon.net
Sent: Thursday, July 13, 2006 2:49 PM
To: DocketClerk, MOAB
Subject: FV06-966-1 PR
Attachments: ATTACHMENT.TXT

Federal Register 6/29/06 page 37014

I strongly support an exemption for Ugly Tomatoes. I have found them to have an excellent taste and would like very much to be able to buy them.

**Allan P. Feigelson, Esq.
8337 Cherry Lane
Laurel, MD. 20707
(301) 362-2900
Fax (301) 362-2266
alf888@verizon.net**

7/14/2006

Swann, Pam

From: no-reply@erulemaking.net
Sent: Thursday, July 13, 2006 10:42 AM
To: DocketClerk, MOAB
Subject: Public Submission

Please Do Not Reply This Email.

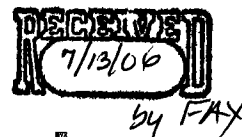
Public Comments on Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements:=====

Title: Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements FR
Document Number: 06-05833 Legacy Document ID:
RIN:
Publish Date: 06/29/2006 00:00:00
Submitter Info:

Comment Info: =====

General Comment:I wanted to write today in support of the proposed partial exemption. I am a member of the board of the Florida Tomato Committee and have been for many years. The Ugly Ripe is a new and innovative product that should be available to the consumer. The Florida grower has lost market share at retail for years and must innovate or go out of business. The great lengths that the AgMart people have gone to to comply with all the concerns of their regulators/competitors on the committee is testament to their commitment to our industry and their desire to survive in a very competitive industry.

Robert Jay Taylor
Taylor & Fulton Inc.
Palmetto, Florida



Alpine Fresh

Grower of Fruits and Vegetables

9300 N.W. 58th Street, Suite 201 • Miami, Florida 33178 • Phone: (305) 594-9117 • www.alpinefresh.com

July 13, 2006

Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS
United States Department of Agriculture
1400 Independence Avenue, SW, Stop 0237
Washington, DC 20250-0237

RE: UglyRipe Tomato Proposal

To Whom It May Concern:

I am writing today to lend my support to the USDA proposal to make UglyRipe Tomatoes available year-round.

The UglyRipe is my favorite tomato and I feel that this exemption proposed by the USDA is long overdue. In my opinion, it is a disservice to the American public to limit access of this variety.

I am in full support of making the UglyRipe tomatoes available year round.

Sincerely,

Jose Sanchez
President,
Alpine Fresh

Swann, Pam

 **PAVED**
7/10/06

From: ADeMoss@caltreefruit.com
Sent: Friday, July 07, 2006 6:26 PM
To: DocketClerk, MOAB
Subject: Federal Register Docket No. FV06-916/917 - 2 PR
Attachments: ATTACHMENT.TXT; Federal Register Comment letter for July 5 2006 regs.pdf

Dear Docket Clerk:

Please see the attached letter regarding Docket No. FV06-916/917 - 2 PR (Proposed Rule) July 5, 2006 Federal Register, (Volume 71, Number 128, Pages 38115-38118.

<<Federal Register Comment letter for July 5 2006 regs.pdf>>

Amy DeMoss

Assistant, Research and Regulatory Compliance

California Tree Fruit Agreement

ademoss@caltreefruit.com

ph. 559-638-8260

fx. 559-638-8842

7/10/2006

Swann, Pam

From: sperbarn@hotmail.com
Sent: Friday, July 07, 2006 7:23 PM
To: DocketClerk, MOAB
Subject: Ugly ripe docket



FAXED

To whom it may concern,

I happen to be a big fan of the taste and quality of the Ugly Ripe Tomato. Having been originally born in the North East I used to think that nothing could top the taste and quality of the Jersey Tomato until I moved to Florida. I have since moved to Phoenix and cannot find a good tasting tomato anywhere here. I have had to resort to buying them and having them shipped from Florida. An expense that I have to live with as these tomato's have become a part of my almsot every day diet.

I understand that there is a chance that these tomato's will be able to be shipped and made available all over the U.S. and would like to show my support for this in any way I can. For those people who really enjoy this particular tomato this would be a fantastic thing. Especially in the winter in most states where the tomato's taste and resemble a form of styrophome!

Please let me know if there is anything more I can do or say to help push this through!

All my best!
Sincerely
Leigh Sperber

Leigh Sperber
1140 E Magdalena Drive
Tempe, AZ 85283
602 635 1236 home
305 803 9629 Cell

Swann, Pam

From: Anthony.Barbieri@albertsons.com
Sent: Friday, July 07, 2006 4:34 PM
To: DocketClerk, MOAB
Subject: Comments on Ugly Ripe Tomatoes
Attachments: ATTACHMENT.TXT

To the USDA:

I've been waiting for the opportunity to comment on the year round availability of Ugly Ripe Tomatoes for two years.

My name is Anthony Barbieri and my position is the Director of Produce and Floral for Acme Markets the leading retail chain in the Philadelphia Pa. Market.

We currently have 134 stores in 4 States - PA. NJ. DE. And MD. The Ugly Ripe Tomato has been tremendously received by our customers for one specific reason-

TASTE. A loyal following has developed over the last few years, yet there is a MAJOR PROBLEM. We can't sell the item during the winter months due to the fact the Florida Tomato Committee will not allow shipments out of the state. I have had to personally answer hundreds of customer complaints due to the unavailability, in addition to our store level personnel constantly fielding questions regarding why we don't have the item in stock.

Quite frankly the consuming public can't understand the regulations regarding shape! Repeat purchases in our business are based on experience. The Ugly Ripe provides a terrific eating experience. In addition to being the Director of Produce at Acme Markets, I'm currently a Board of Director of the PMA (Produce Marketing Association).

What we at PMA are communicating to the Industry, is that future growth of Produce Consumption will be driven by taste. We must always strive to improve what we are delivering to the consuming public every day. By not allowing Ugly Ripes out of the state, the message going out by THE Leading Industry Association is being defeated.

I strongly urge you to bypass the shape regulation on Ugly Ripe Tomatoes and give the people what they want and deserve.

If you have any further questions please feel free to call me at 610-889-4147.

Thank You Anthony Barbieri

7/10/2006

Swann, Pam

From: Rich.J.Robbins@supervalu.com
Sent: Friday, July 07, 2006 1:50 PM
To: DocketClerk, MOAB
Cc: joe@procaccibrothers.com%inter2
Subject: Ugli Ripe Tomatoes
Attachments: ATTACHMENT.TXT

This message is in regards to the Ugli Ripe Tomatoes that have developed a following in our marketing area from New Jersey through Virginia. These tomatoes are the closest substitution for the back yard home grown tomatoes we grow with as children. Our customer base enjoy the flavor and the "home grown" look of these tomatoes. Please allow this great tasting, good eating tomato to be shipped from Florida so we can enjoy this tomato year round.

Thanks,
Rich Robbins
SUPERVALU Produce Sales Team
1-215-619-4501

7/10/2006

Swann, Pam

From: birgem@bellsouth.net
Sent: Friday, July 07, 2006 12:34 PM
To: DocketClerk, MOAB
Subject: Ugly Ripes
Attachments: ATTACHMENT.TXT

Please vote to allow Ugly Ripes to be shipped throughout the year. This is the most delicious tomato--the one I remember having as a child, and I am thrilled to discover that I can actually enjoy tomatoes once again.

Ruth Marion Birge
4150 Chickasaw Rd.
Memphis, TN 38117

7/10/2006

Swann, Pam

From: 3lanes@foxvalley.net
Sent: Friday, July 07, 2006 12:09 PM
To: DocketClerk, MOAB
Cc: lgwinn@sciwords.com%inter2
Subject: The Ugly Rip Tomato
Attachments: ATTACHMENT.TXT

Please pass this rule change so that the people in the Northern States can have tomatoes with taste in the winter months.

I live in a suburb outside of Chicago. This last winter I read an article in a magazine about the Ugly Ripe tomato. I got on-line and purchased the tomatoes to find out for myself. I could not believe how great the tomato tasted in the dead of winter. What we usually get is some pinkish tomato with no taste at our grocery stores. If you have ever lived up North you know what I'm talking about.

Please let the Ugly Ripe tomatoes be sold at our grocery store in the winter. No one here will care if they are shaped funny. We just want to be able to have a tomato that tastes like a tomato. The people in the South are very fortunate to be able to buy produce that has taste; please let the people up North have the same opportunity.

Sincerely,
Brenda Laehn
South Elgin, Illinois

7/10/2006

Swann, Pam

From: Jennifer_E_Thomas@brown.edu
Sent: Friday, July 07, 2006 11:58 AM
To: DocketClerk, MOAB
Subject: UglyRipe Tomatoes

I am writing to support the rule change by the USDA that would allow UglyRipe tomatoes to be sold throughout the country. They are far and away the best tomatoes I have ever purchased in a supermarket, and the competition they will provide can only improve tomatoes across America. I'm glad the USDA is taking steps to remove the stupid and monopolistic hindrances that were barring the sale of this superior product.

Thank you,
Jennifer Thomas
Brown Univ Dept of Classics
Box 1856
Providence RI 02912

Swann, Pam

From: robert.croft@bayercropscience.com
Sent: Friday, July 07, 2006 11:20 AM
To: DocketClerk, MOAB
Cc: lgwinn@sciwords.com%inter2
Subject: Support Rule Change for Heirloom type UglyRipe ® tomatoes
Attachments: ATTACHMENT.TXT

Dear Sir:

I urge you to support a Rule Change to permit the marketing and sale of Heirloom type tomatoes of which the UglyRipe® is an example. I have raised heirloom type tomatoes for several years and find them superior in taste though their shapes and sizes may differ from accepted standards. The UglyRipe® tomato has given the consumer a choice in the marketplace of a product that is nearly equivalent to home grown summer tomatoes during the winter months. I support the consumer's right to choose to buy this tasty quality product.

Please consider adopting a rule change that permits the sale of these products outside of Florida.

With my regards,

Robert W. Croft
11302 North Dittman Ave.
Kansas City, MO 64157

816-792-3264

The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

For alternate languages please go to <http://bayerdisclaimer.bayerweb.com>

7/10/2006

Swann, Pam

From: friedmanruth@earthlink.net
Sent: Friday, July 07, 2006 11:09 AM
To: DocketClerk, MOAB
Subject: UglyRipe tomatoes
Attachments: ATTACHMENT.TXT

I wish to add my vote to, hopefully, thousands of other, to the rule change that will allow the UglyRipe tomatoes to be shipped outside Florida during the winter season.

These tomatoes are quite literally the only decent tomatoes available to us in the North-East outside the local growing season.

Ruth Friedman
friedmanruth@earthlink.net

7/10/2006

Swann, Pam

From: Gaylevert@cs.com
Sent: Friday, July 07, 2006 10:51 AM
To: DocketClerk, MOAB
Subject: (no subject)
Attachments: ATTACHMENT.TXT

I am a HUGE fan of the UglyRipe tomato and have purchased them many times over the past few months from the grower. They were available several years ago in our local market before the Floriday Tomato commision disallowed shipping out of state.

As an Ohio resident that grows delicious tomatoes all summer long, eating those so called "tomatoes" that are shipped here in the winter is a disgrace. The only ones worth eating are the grape cherries, which don't fit too well on a sandwich.

I clearly am in full support of allowing these wonderful tomatoes to be shipped to us here in Ohio, as well as anywhere else in the USA to those that really enjoy a REAL tomato.

Thank you for your time.
Sincerely,
Gayle Havert

7/10/2006

Swann, Pam

From: pauls481@comcast.net
Sent: Friday, July 07, 2006 10:37 AM
To: DocketClerk, MOAB
Subject: UglyRipe Tomatoes

Please allow me to find these wonderful, tasty (yet ugly) tomatoes in my grocery stores. I don't live in Florida so I don't see these tomatoes in my store. I order these tomatoes for family and friends because the perfectly shaped tomatoes are often mealy and often tasteless. Maybe the addage of "beauty is only skin deep" is true for a lot of the produce shipped around the country. Even though the UglyRipe tomato is 'ugly', its real beauty is definitely in the taste. I want to be able to give my family something that is worth eating. Please make these tomatoes available throughout the country on a year round basis.

Thank you. Brenda Schilinski, Manassas, VA

Swann, Pam

From: mudd_mickey@hotmail.com
Sent: Friday, July 07, 2006 10:25 AM
To: DocketClerk, MOAB; lgwin@sciwords.com%inter2
Subject: RE: A message from Joe Procacci about the UglyRipe tomato

How do I get off of your SPAM list? You are in clear violation of the CAN-SPAM act and should be reported.

Read the act for details if you are not sure what you violate. Where is your opt-out method?
<http://www.ftc.gov/bcp/online/pubs/buspubs/canspam.htm>

Remove me now please.

Mudd

>From: "Leslie Gwin" <lgwin@sciwords.com>
>To: "UGLYRIPE Fans" <lgwin@sciwords.com>
>Subject: A message from Joe Procacci about the UglyRipe tomato Date:
>Fri, 7 Jul 2006 10:16:18 -0400
>
>Dear Friends,
>
>We need your help.
>
>As a tomato connoisseur who has purchased the UglyRipe? in the past,
>you are in a unique position to help our misshapen but tasty tomato
>shed the shackles of the Florida Tomato Committee as we make one final
>push for the UglyRipe?s liberation. A few minutes of your time could
>mean a world of difference in the fight to make the UglyRipe available
>to all Americans throughout the year.
>
>Last week, the Agriculture Marketing Service of the United States
>Department of Agriculture (USDA) proposed a rule change that would
>allow this juicy tomato to be shipped across the country during the
>cold months when juicy, homegrown tasting tomatoes are elusive to most
>Americans!
>
>The proposed change is subject to 60-day public comment period. So now
>we?re asking for one final push of support from you, to make sure the
>UglyRipe is available year-round.
>
>We encourage you to send comments in support of the rule change to:
>
>Docket Clerk, Marketing Order Administration Branch, Fruit and
>Vegetable Programs, AMS United States Department of Agriculture 1400
>Independence Avenue, SW, Stop 0237 Washington, DC 20250-0237
>
>Comments may be sent by fax to (202) 720-8938 or by email to
>moab.docketclerk@usda.gov.
>
>We?ve included the press release announcing the proposed changes and
>will be please to share with you any information you might need as you
>draft comments. Thanks again for your continued support of the
>UglyRipe!
>
>Sincerely,
>
>Joe Procacci

><< PRESSRELEASE-USDA Paves Way for Ugly Ripe To Enter Market.pdf >>

Swann, Pam

From: rgemond@alltel.net
Sent: Friday, July 07, 2006 7:15 AM
To: DocketClerk, MOAB
Subject: Ugly Ripe Tomato
Attachments: ATTACHMENT.TXT

Dear Sirs,

I am a grower of heirloom tomatoes here in Kentucky. I have furnished Churchill Downs with 60 lbs. a week of heirloom tomatoes during the summer, at an extremely good price. If these tomatoes did not taste superior, I'm sure they wouldn't order them.

Please allow the Florida Tomato Growers to ship Ugly Ripe tomatoes in the winter, so we have a tomato with superior taste, instead of the tasteless, plastic tomatoes we have to endure during the winter months. If you conducted your own taste tests, I'm sure you would agree.

Georgia Emond
Tomatoes and Blooms
Glendale, KY. 42740

7/10/2006

Swann, Pam

From: millergj@comcast.net
Sent: Wednesday, July 05, 2006 11:11 AM
To: DocketClerk, MOAB
Subject: UglyRipe
Attachments: ATTACHMENT.TXT

Last week, the Agriculture Marketing Service of the United States Department of Agriculture (USDA) proposed a rule change that would allow this juicy tomato to be shipped across the country during the cold months when juicy, homegrown tasting tomatoes are elusive to most Americans! Hurrah for you. Please make this a permanent change so that we Americans can have a good tomato year around. Thoe hard, red tomatoes that other companies put in the grocery stores are not worth eating. The only thing "normal" is the color. Please allow UglyRipe to continue and be shipped nation wide year around.
Thank you.
Gloria J. Smead

7/10/2006

Swann, Pam

From: jposada01@yahoo.com
Sent: Wednesday, July 05, 2006 11:32 AM
To: DocketClerk, MOAB
Subject: Propsed UgliRipe rule change

To whom it may concern. I understand that the Agriculture Marketing Service of the United States Department of Agriculture (USDA) is proposing a rule change that would allow the UgliRipe tomato to be shipped across the country during the cold months.

As a consumer of this tomato (and only this tomato?have you tasted the others?), I applaud this rule change and it has my full support.

John Posada
353 Shore Drive
Highlands, NJ 07732
jposada01@yahoo.com
Posada_john@emc.com
732-259-2874

John Posada
Senior Technical Writer

"So long and thanks for all the fish."

Swann, Pam

From: john@ccc-corporateservices.com
Sent: Wednesday, July 05, 2006 1:51 PM
To: DocketClerk, MOAB
Subject: UglyRipe tomato

I don't know how it has come to pass that the US Government would interfere with interstate commerce by prohibiting the interstate sale or transport of an agricultural product that has no history of representing a danger to the health of anyone, but, if, you don't want to be perceived as acting in the manner of a communistic government, and if, you don't want to emulate the behavior of those jerks in Europe re the free market, and if, you have any sense of fair play and common decency, you will seize this opportunity to amend your prior errors and permit the interstate marketing of the subject tomato as well as any other resulting product contrived by enterprise; And not just in the cold months, but in each and every month, for everyone's sake!! It is time to grow up.

John Cunningham
Houston Texas
713 467 3394

Swann, Pam

From: erslandjohn@hotmail.com
Sent: Wednesday, July 05, 2006 2:07 PM
To: DocketClerk, MOAB
Subject: The Tomatoes In Eastern Europe.....

.....possess the great taste the way tomatoes grown in America used to be a half century ago. That is because they are grown to taste good rather than being biologically engineered to look good or be easily shipped. Most American tomatoes now taste more like styrofoam rather than the way God intended them to be.

The sole exception is the UglyRipe tomato. It's not the prettiest tomato in the store. But it tastes like a tomato should taste. This tomato should be available to all Americans....not just the folks in Florida. I can't imagine why a government agency would prevent its sale beyond Florida's borders which is certainly contrary to our nation's free enterprise system.

John L. Ersland

3333 S. Atlantic Avenue #701
Daytona Beach Shores FL 32118
(386) 761-0935 Land Phone
(608) 347-4588 Cell Phone
erslandjohn@hotmail.com

Swann, Pam

From: jhensinger@comcast.net
Sent: Wednesday, July 05, 2006 2:28 PM
To: DocketClerk, MOAB
Subject: UglyRipe Tomato

Docket Clerk,

I have lived in Colorado for thirty five years. In that time, I have eaten only a few dozen store bought ripe tomatoes that didn't taste like cardboard and weren't hard enough to play handball with. When I traveled to Iowa on business, I often brought back a briefcase full of roadside tomatoes.

We have lost sight of one of the true joys of summer in the Mid-West. I grew up in Indiana. Our garden grown tomatoes were so ripe that if they happened to roll off the kitchen counter they would splat when they hit the floor. They were juicy enough to soak the bread in a sandwich. Sometimes we would actually take a salt shaker out to the garden and eat sun warmed tomatoes that we picked by tickling their bottoms. If they dropped into our hand, we knew they were ripe.

It is sad to see our government judging tomato quality on all of the wrong criteria. Firmness in a tomato is bad. Solid flesh in a tomato is bad. Bland cardboard taste in a tomato is bad.

Please consider allowing the distribution of the UglyRipe tomato in Colorado. I now resent paying \$4.00 per pound (year around price), and often don't. For \$4.00 a pound, I should get a tasty product.

Thank you.

James Speed Hensinger
JHensinger@comcast.net
Web: <http://JHensinger.home.comcast.net/>

Swann, Pam

From: gtr@virginia.edu
Sent: Wednesday, July 05, 2006 2:52 PM
To: DocketClerk, MOAB
Subject: Re: support of the UglyRipe?

I do not think it is fair to prohibit a perfectly good, well tasting tomato from market just because it looks different from what 'authorities' have sanctioned as acceptable. This smacks of vegetative discrimination and monopolistic control of the markets. Please allow these very tasty UglyRipe tomatos to market during the winter months and all times, and let the consumers decide, not a committee with questionable motives. Thank you so much for listening to one who does not discriminate against tomato design.

G T Redpath
PO Box 3312 Charlottesville, VA 22903
gtr@virginia.edu

Swann, Pam

From: tgronner@aol.com
Sent: Wednesday, July 05, 2006 4:17 PM
To: DocketClerk, MOAB
Subject: The UgliRipe Tomato
Attachments: ATTACHMENT.TXT

Unfortunately I have never tasted an UgliRipe tomato. This is the sad result of the ludicrous limitations placed on on the product by the Florida Tomato Committee. I request that the USDA Agriculture Marketing Service allow the other 49 states to buy and consume this tomato.

Thank you,

Anthony R. Gronner

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

Swann, Pam

From: chine@novell.com
Sent: Wednesday, July 05, 2006 4:43 PM
To: DocketClerk, MOAB
Subject: UglyRipe
Attachments: ATTACHMENT.TXT

Moab,

I just want you to know I am in support of regulations that allow the UglyRipe Tomato to be available year-round throughout the United States.

Please make this available.

Thanks,
Chris Hine
1022 S. 580 W.
Payson, UT. 84651

7/10/2006

Swann, Pam

From: M41Mike@aol.com
Sent: Thursday, July 06, 2006 3:02 AM
To: DocketClerk, MOAB
Cc: lgwinn@sciwords.com%inter2
Subject: Let us eat tomatoes!
Attachments: ATTACHMENT.TXT

It may be coincidental that we are just a few days past Independence Day but consumers should be free to eat tomatoes all year long even if they are Ugly Ripe. It is my impression that the Ugly Ripe brand has been developed by Joe Procacci and I find it un American that a business would be restricted from selling it's product under its brand name anywhere in the US at any time.

Thank you and I am counting on the government to promote free trade, not restrain train at my expense! Eating more vegetable is a good thing and my hat is off to Joe for creating a brand name in a commodity business.

Thank you.
Michael Sick
Marketing and Business Development Consultant
12534 Caminito Mira Del Mar
San Diego, CA 92130
m41mike@aol.com
858 509-8930
858 342-0998 cell
Skype ID: mikesick

Services offered:
<http://hometown.aol.com/m41mike/myhomepage/profile.html>

7/10/2006

Swann, Pam

From: daniel.wire@verizon.net
Sent: Thursday, July 06, 2006 10:12 AM
To: DocketClerk, MOAB
Cc: cgrallert@santasweets.com%inter2
Subject: free the ugly ripe
Attachments: ATTACHMENT.TXT

Briefly stated the ban on shipping Ugly Ripe tomatoes by the Florida Tomatoe Comittee is a petty, stupid, ill-conceived, lobbyist corrupt program. It's irritating to have to spend time adressing this - which should have been a non-issue to begin with.

When it comes to a product as innocuous as a tomatoe, it's a no-brainer - LET THE CONSUMER DECIDE!

Dan Wire
Reading, PA

7/10/2006

Swann, Pam

From: RPostley@aol.com
Sent: Thursday, July 06, 2006 9:45 PM
To: DocketClerk, MOAB
Subject: UglyRipe tomatoes
Attachments: ATTACHMENT.TXT

Dear Sirs-

I would like to go on record as TOTALLY supporting the UglyRipe's exemption from the FTC rules. As a citizen/purchaser and also a grower of heirloom tomatoes sold in my local farmers' market, anything that allows consumers access to tasty edible produce, whether it meets artificial aesthetic standards or not, can only support small farm agriculture and acceptance of new TASTY produce!

Thank you.

-Roger Postley
Tomatoes, Etc.
751 Kirkland Drive
Lexington, KY 40502-3375
(859) 278-4846
"I never met a tomato I didn't like -- then I went to a grocery!"

7/10/2006

Jeanie M. Wallace
3 Elkwood Court
Shalimar, FL 32579

*Original for
to be
indecy photo*

*copy distributed to
Chris. by Fax - 7/6/06
Jay. for Posting - 7/6/06
Kathy. FYI*

RECEIVED
7/05/06
by Fax

July 5, 2006

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS, USDA
1400 Independence Avenue SW
Stop 0237
Washington DC 20250-0237

If someone told me that I would pay \$3.99 for a pound of tomatoes several years ago, I would of denied it.

That was before I had my first taste of the UGLI tomato. I usually buy at least 4 every week when I can find them. They are the BEST tomato I have ever tasted in my life. (and I am over 70).

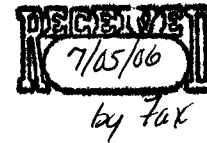
When friends or strangers see me purchasing this tomato at the grocery, they usually comment that they would not pay that much for tomatoes. My comment is that they need to taste just one. The ones who listened to me did return again and again for the "UGLI'S". I am Procacci's best free advertisement here in northwest Florida.

Please pass the USDA rule, that will allow us to purchase UGLI tomatoes all year round. I would love to see those sweet little white blankets all year round.

Jeanie M. Wallace
Jeanie Wallace

Phone: 850-651-4646
Fax: 850-651-6242
e-mail jmwcpa@cox.net

Jeanie M. Wallace
3 Elkwood Court
Shalimar, FL 32579



July 5, 2006

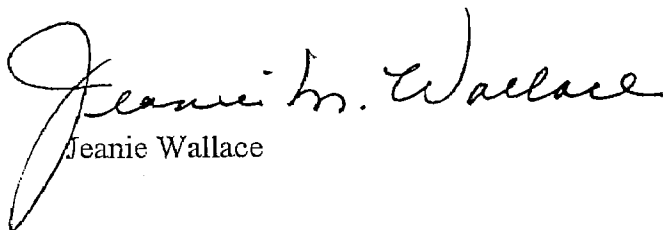
Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS, USDA
1400 Independence Avenue SW
Stop 0237
Washington DC 20250-0237

If someone told me that I would pay \$3.99 for a pound of tomatoes several years ago, I would of denied it.

That was before I had my first taste of the UGLI tomato. I usually buy at least 4 every week when I can find them. They are the BEST tomato I have ever tasted in my life. (and I am over 70).

When friends or strangers see me purchasing this tomato at the grocery, they usually comment that they would not pay that much for tomatoes. My comment is that they need to taste just one. The ones who listened to me did return again and again for the "UGLI'S". I am Procacci's best free advertisement here in northwest Florida.

Please pass the USDA rule, that will allow us to purchase UGLI tomatoes all year round. I would love to see those sweet little white blankets all year round.


Jeanie Wallace

Phone: 850-651-4646
Fax: 850-651-6242
e-mail jmwcpa@cox.net

9817 Channing Circle
Richmond, VA 23235-2205

July 7, 2006

VIA FAX (202) 720-8938

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs
AMS
USDA
1400 Independence Avenue, ST
Stop 0237
Washington, DC 20250-0237

**FAXED**

Received 7/7/06
Swann
7/7/06

Re: UglyRipe's Exemption from the FTC Rules

Dear Sir:

We enthusiastically support an exemption for the UglyRipe Tomato from the FTC rules, as proposed on July 6, 2006, by the Agriculture Marketing Service of the USDA.

We enjoy consuming this tomato and see no reason why it should not be offered year round to consumers outside of the Florida winter growing region.

The Florida Tomato Committee's claim that the UglyRipe's misshapen appearance would damage the reputation of the Florida marketplace is not only absurd, but invalid, given skyrocketing sales of the UglyRipe.

Give American consumers what they want ---- and we want the UglyRipe Tomato year round!!!!

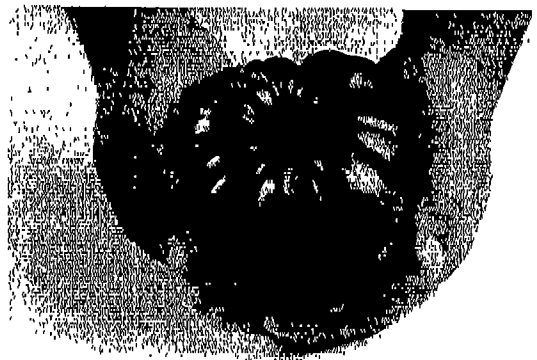
Very truly yours,

WR Nolan Jr.

W. R. Nolan, Jr.

Betty B. Nolan

Betty B. Nolan



Courtesy of ARA Content

FACSIMILE TRANSMITTAL SHEET

TO:	Docket Clerk, Marketing Order Admin. Branch Fruit & Vegetable Programs	FROM:	The Nolans
COMPANY:		DATE:	7/7/2006
FAX NUMBER:	(202) 720-8938	TOTAL NO. OF PAGES INCLUDING COVER:	2
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	
RE:	Ugly Ripe's Exemption from the FTC Rules	YOUR REFERENCE NUMBER:	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

We support the year-round sale of Ugly Ripe Tomatoes to all consumers!



Courtesy of ARA Content

Swann, Pam

From: rumblebee911@hotmail.com
Sent: Monday, July 10, 2006 8:59 AM
To: DocketClerk, MOAB

UGLY RIPES ARE THE BEST TOMATOES I HAVE EVER EATEN.
PLEASE DO EVERYTHING TO MAKE THEM AVAILABLE ALL TEAR ROUND THANK YOU MARK ENNIS

Express yourself instantly with MSN Messenger! Download today - it's FREE!
<http://messenger.msn.click-url.com/go/onm00200471ave/direct/01/>

Swann, Pam

From: JWSkouge@aol.com
Sent: Monday, July 10, 2006 8:26 AM
To: DocketClerk, MOAB
Subject: UglyRipe Tomatoes
Attachments: ATTACHMENT.TXT

I am writing to encourage you to permit the UglyRipe tomatos to be available for nationwide distribution. I have tasted these tomatos and it seems unfair that they not be available outside of Florida.

Thank you for your consideration of this issue.

Sincerely,

John Skouge, M.D.

7/10/2006

Swann, Pam

From: Frank.Rostan@wakefern.com
Sent: Sunday, July 09, 2006 7:39 AM
To: DocketClerk, MOAB
Cc: joe@procaccibrothers.com%inter2
Subject: Ugly Ripe Tomatoes

ShopRite Supermarkets supports the proposed rule change which would permit Ugly Ripe tomatoes to be shipped from Florida year round.

This is an excellent product which should not be denied to our consumers by rules such as apply.

Availability of Ugly Ripes will be good for ShopRite Supermarkets, but more important, will satisfy our consumers/citizens.

Thank you

Frank Rostan
Senior Vice President
ShopRite

Swann, Pam

From: mactaylor1@verizon.net
Sent: Saturday, July 08, 2006 2:53 PM
To: DocketClerk, MOAB
Cc: Fusaro, Vinny; lgwin@sciwords.com%inter2; info@santasweets.com%inter2;
info@floridatomatoes.org%inter2; samantha@floridatomatoes.org%inter2
Subject: Ugly Ripe Tomato Availability

{I am resending this email because the original to moab.docketclerk "bounced back" due to an my error in the address to moab.docketclerk....my apologies to the other recipients for the duplicate email}.

I am writing in support of the USDA rule change that will allow Ugly Ripe tomatoes to be available to consumers nationwide year-round.

There's no other tomato as fantastically excellent as Ugly Ripes. If I can't find Ugly Ripes at my local grocery, I don't buy tomatoes.....period.
There's nothing else like them. Taste and texture, not appearance, are what dictate my preference for UglyRipes.

Please, PLEASE, allow Ugly Ripe tomatoes to be available to us year-round.

Thank you and best regards,

Malcolm (Mac) Taylor
410 Algonquin Court
Blacksburg, VA 24060
Tel: (540) 961-2160
Cel: (540) 998-9775

Swann, Pam

From: marcidanielsdenyer@yahoo.com
Sent: Friday, July 07, 2006 9:46 PM
To: DocketClerk, MOAB
Subject: ugly ripe tomatoes
Attachments: ATTACHMENT.TXT

Please let ugly ripe tomatoes be shipped across the country. I've recently moved away from florida and the winter tomato selection in Illinois is an abomination after being spoiled by year round access to delicious ugly tomatoes.

Please keep the rule change.

-Marci Daniels
Edwardsville IL

formerly of northern Florida.

Yahoo! Music Unlimited - Access over 1 million songs. [Try it free.](#)

Swann, Pam

From: ts721@earthlink.net
Sent: Friday, July 07, 2006 9:11 PM
To: DocketClerk, MOAB
Subject: tomatoes

I support legislation to allow uglyripe tomatoes to be available year 'round to the US...I live in VA and our tomatoes in the winter are not good at all. Please support the legislation that allows the tomatoes to be shipped year-round.

Thanks,

Terry Smith

Swann, Pam

From: spudsrus@epix.net
Sent: Tuesday, July 11, 2006 5:52 PM
To: DocketClerk, MOAB
Subject: COMMENTS ON THE UGLY RIPE TOMATOES

Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS
United States Department of Agriculture 1400 Independence Avenue, SW, Stop 0237
Washington, DC 20250-0237

To Whom It May Concern,

As a veteran of thirty-four years in the produce business I would like to offer my comments on the proposed rule change that would exempt the UglyRipe from the shape standards and allow these delicious tomatoes to be shipped across the country on a year round basis.

These rule changes are critical to the support of sustaining agricultural research by private companies into improving flavor and varieties to encourage greater consumption of fresh produce.

If any marketing board or state commodity committee can exclude a successful new produce item by utilizing old standards that do not apply to new and innovative varieties, we as a nation will not be able to make the necessary improvements in produce to increase consumption.

We have always felt that the ugly ripe was a premium product and was always priced higher than regular round tomatoes. Those buyers that want a good shaped tomato at a reasonable price will continue to buy tomatoes as they always have.

The ugly ripe tomato is a variety in and of itself and as such commands a high market premium and attracts a customer base willing to pay a premium for flavor at the expense of shape. These customers should be allowed to purchase these tomatoes and continue to encourage farmers across all commodities and in all states to develop new and exciting items in produce.

We felt all along that the Florida committee was failing to see that people who get a great tomato experience will increase their consumption.

We are of the opinion that the Ugly ripe and it's ability to market without restriction will be a driver to better tomato flavor being developed in all tomato varieties and this would be very good for the entire industry.

Certainly our agriculture community needs to add great flavor to the total produce experience. When this happens, more and more people will make produce the center of their diet and we as a nation will move to better health.

Sincerely,

Harris Cutler

--

Harris Cutler
President
Race-West Company
The Philip L. Cutler Bldg
600 South State Street
Clarks Summit, PA 18411
Work: 888-776-8286
Cell: 570-313-9300

Swann, Pam

From: drake_nicole@hotmail.com
Sent: Saturday, July 22, 2006 9:00 PM
To: DocketClerk, MOAB
Subject: Ugly Tomatoes

I am writing to support the import of the wonderfully delicious "Ugly Tomatoes" from Florida, which until now have not been allowed to be shipped out of Florida in the winter.

Thank you for your consideration!
Nicole Drake

7/26/2006

Swann, Pam

From: bill_best@heirlooms.org
Sent: Thursday, July 20, 2006 9:47 PM
To: DocketClerk, MOAB
Subject: Ugly Tomatoes
Attachments: ATTACHMENT.TXT

As a Kentucky grower of heirloom tomatoes for nearly forty years I have seen their popularity increase steadily with more chefs using them almost daily. The "ugly" tomatoes are becoming a big hit largely because of superior flavor. I sell out at two farmers' markets and have many orders that I couldn't possibly fill. I also provide ugly tomatoes to many restaurants.

At the same time I have seen Florida tomatoes become more and more tasteless. I have picked ripe tomatoes from the vine on both coasts and have found that freshly picked Florida tomatoes have the same lack of flavor as those that have been picked for weeks. The flavor has been bred out of Florida shipping tomatoes. They are round and firm, color well with ethylene gas, and have a very long shelf life, but that's about all.

A couple of years ago I bought a Florida winter tomato, waited a couple of weeks for it to soften to indicate ripeness, and then sliced it to go with a meal. Its smell was more like a stench--something like an athletic locker room in use. We couldn't eat it so, to avoid wasting it entirely, I gave it to my son's chickens. They turned up their noses at it, and it lay on the ground until finally rotting some weeks later.

If there is a tomato in Florida that has a good flavor, regardless of its shape it needs to be put on the market. We have had enough of grungy tomatoes. Any tasty tomato would improve the reputation of Florida tomatoes.

Bill Best
Berea, KY

7/26/2006

Swann, Pam

From: jashworth@snet.net
Sent: Thursday, July 20, 2006 7:10 AM
To: DocketClerk, MOAB
Subject: Uglyripe tomatos
Attachments: ATTACHMENT.TXT

This is the first tomato that I didn't grow my self that tastes like a tomato. Please add my name to the list of people who would like this tomato available all year long. I would buy it any time my plants were not producing (Late summer -- Connecticut)

J Ashworth
Bethel, CT

7/26/2006

Swann, Pam

From: manerivera@hotmail.com
Sent: Tuesday, July 18, 2006 10:35 PM
To: DocketClerk, MOAB
Subject: Ugly Ripes

I am glad the USDA finally decided to intervene in this outdated, protectionistic, and anti-free trade Marketing Order Issue.

Allowing growers market thier product freely to clients willing to accept the contracted qualities and characteristics is not only fair but also the only way to ensure a free, robust and healthy business environment.

Belated congratulations

FREE pop-up blocking with the new MSN Toolbar - get it now!
<http://toolbar.msn.click-url.com/go/onm00200415ave/direct/01/>

Swann, Pam

From: msgilbert1004@excite.com
Sent: Tuesday, July 18, 2006 12:53 PM
To: DocketClerk, MOAB
Subject: Ugly Ripe Tomato Exemption

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS, USDA
1400 Independence Avenue, SW
Stop 0237
Washington, DC 20250-0237

Dear Docket Clerk,

Good afternoon.

I wanted to contact you in regards to situation that the Procacci Brothers Sales Corp. has found itself in. Other tomato growers have blocked the sale of the UglyRipe Tomato outside of Florida in the winter months, thereby depriving us, the consumers of another product.

When the UglyRipe Tomato got a 3 year exemption from the rule and was allowed to sell their product, my wife and I happened to find them in a store and tried them. They were just great. The best tasting tomato out of season that I have had. Other tomatos available are either grainy or just don't taste good. The Procacci Brothers have invested much time and money to develop these to sell to consumers and I do not feel it is right for other growers to block the sale of their product. Isn't the point of industry to always look for ways to build a better mousetrap. Or in this case, how to develop a better tasting tomato. The argument that the look of the tomato will change consumers views of tomatos is without merit and is merely an attempt to block a competitor from selling a product. Quite frankly, being a consumer... I will make up my own mind about what a tomato should look like or what tomatoe I want to buy. It is not up to the other growers to decide for me. I do not feel it will make the Florida tomato growers look bad or make the market look bad.

I support the UglyRipes exemption from the FTC rules banning its sale.

Thank you for your time,

Michael P. Gilbert

Michael and Sabrina Gilbert
152 Mill Creek Drive
Canton, GA 30115

"You're blessed when you stay on course, walking steadily on the road revealed by God. You're blessed when you follow his directions, doing your best to find him." ~Psalm 119

Join Excite! - <http://www.excite.com>
The most personalized portal on the Web!

Swann, Pam

From: circe2020@aol.com
Sent: Tuesday, July 18, 2006 12:36 AM
To: DocketClerk, MOAB
Subject: Ugly Tomatoes are the Best
Attachments: ATTACHMENT.TXT

To whom it may concern:

I wanted to write that I support allowing the UglyRipe the exemption you are considering.

This tomato is AWESOME!

It is better than any other type. Until about an hour ago, I did not know why I could no longer find it in grocery stores/farmers markets/food stores. After becoming absolutely addicted to them a fw years back, I searched for them every time I went anywhere with fresh produce just hoping to find them.

They are so good that you can just cut them, salt them, and eat them plain. I was even known to eat them like apples.

So please...please let Uglies back on the market. We love them and miss them. No other tomato comes close to being as incredibly celestial as these red orbs of heaven.

Thank you,

Kelly Ragland

"Cowards die many times before their deaths; the Valiant never taste death but once."-Caesar

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

7/26/2006

Swann, Pam

From: CDFACCIOLLI@peoplepc.com
Sent: Monday, July 17, 2006 3:11 PM
To: DocketClerk, MOAB
Subject: UgliRipe Tomatoes
Attachments: ATTACHMENT.TXT

Please let shipments of these tomatoes resume. They are the only tomatoes I will buy in the winter (not interested in your pretty, tasteless tomatoes).
I live on the edge of Lancaster County (PA) farm country and I can appreciate taste over beauty.

Carol Faccioli

7/26/2006

Swann, Pam

From: tristan denyer@yahoo.com
Sent: Monday, July 17, 2006 12:01 PM
To: DocketClerk, MOAB
Subject: UglyRipe tomato available to all Americans in Winter
Attachments: ATTACHMENT.TXT

I am writing to you to help lift the sanctions against the shipment of the UglyRipe tomato during the winter months.

My wife and I have been HUGE fans of the UglyRipe while we were living in Florida, but have no success in finding the tomato outside the state. This is due to the rules stating that it cannot be shipped nationwide during certain months, or whatever. Why not let the tomato speak for themselves? Anyone that has tasted this tomato is consistently blown away by how incredible it tastes! Hands down, it is by far the best tomato on the market. So, is that why? Are growers of other tomatoes afraid of the UglyRipe and are petitioning to keep it to Florida only? Or are they afraid of how it looks on the shelf and come up with some preconceived notion that it's too ugly and people wouldn't want to buy (which is unfounded and false).

Either way, my family would like to see the Ugly Ripe in our stores in Illinois, and everywhere for that matter. It is clearly the best tomato growers have to offer. So why not let it compete in this free market we have established?

Thank you for your time.

B. Tristan Denyer
Edwardsville, IL

Do you Yahoo!?
Get on board. You're invited to try the new Yahoo! Mail Beta.

7/26/2006

Swann, Pam

From: jgroupp@localnet.com
Sent: Sunday, July 16, 2006 5:37 PM
To: DocketClerk, MOAB
Subject: ugliripe
Attachments: ATTACHMENT.TXT

Please please please let us have the choice to buy Ugli Ripe tomatoes....

7/26/2006

Swann, Pam

From: kpijan48@juno.com
Sent: Saturday, July 15, 2006 10:25 PM
To: DocketClerk, MOAB
Subject: RE: Ugly Ripe Tomatoes

RE the above having the right to be sent outside of the FL vicinity. I can't begin to tell you how much I and my family would appreciate seeing an abundance of these wonderful tomatoes in our market in the Buffalo, NY area. There is simply no other tomato that tastes as good as this product.

My husband and I are in our seventies, and we remember years ago what a really good tomato tastes like. No longer can these be obtained. I can actually get a good taste again from these tomatoes and they make a meal or a snack worth looking forward to again. These days there is little else in life than a good meal. We abide failing health, huge property taxes, expensive health care, and far too many pills to keep us going. Not to mention this country is in a mess along with the rest of the world.

At least make a small concession to the happiness of the ordinary household with a good tomato on the table. It's absolutely un American keeping a certain product from expanding its borders. Let the customers decide.

Donald J. and Kathleen Pijanowski
285 Victoria Blvd. Kenmore, NY 14217

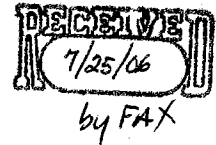
Magruder Holdings, Inc.

Importers, Grocers and Wine Merchants

Since 1875

Post Office Box 1432 Rockville, Maryland 20850

Phone 301-230-3000



July 25, 2006

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS
United States Department of Agriculture
1400 Independence Avenue, SW, Stop 0237
Washington, DC 20225-0237

Ref: Support of the rule change for UglyRipe™ Tomato

Dear Docket Clerk,

This letter is to express our desire to be able to have UglyRipe™ tomatoes available to our customers year-round.

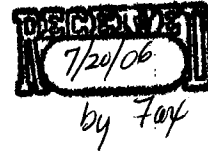
Most tomatoes here in the winter time are not edible. However, we were introduced to the UglyRipe™ a few years ago and they have a very delightful taste. Now, why the shape of a tomato would make any difference for shipping out of the state of Florida, however, you run the commission, but my customers here would like a good tasting tomato any time of the year. Please allow the UglyRipe™ to be shipped year round out of Florida to enable us to receive this juicy tomato during the winter months instead of the hard, green, round no tasting tomato.

Thank you in advance for your consideration in making this juicy tomato a year-round reality.

Sincerely,

A handwritten signature in black ink, appearing to read "Stanford Steppa".

Stanford Steppa
President
Magruder's Grocery Stores

**M & R TOMATO DISTRIBUTORS, INC.****151 NYC TERMINAL MARKET • BRONX, NY 10474****PHONE (718) 589-8500 • FAX (718) 893-2643**

July 20, 2006

Docket Clerk
Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS
United States Department of Agriculture
1400 Independence Avenue S.W., Stop 0237
Washington, DC 20250-0237

Dear Sir or Madam:

Please allow the UglyRipe tomatoes to be shipped from Florida during the winter. Our customers demand these tomatoes year-round, especially in the winter. It is important to our customers that we have UglyRipes on a consistent basis. They buy the UglyRipes because of their delicious taste.

We support the proposed rule change to exempt the shape restriction on the UglyRipes.

Sincerely,

Denise Goodman

cc: Joe Procacci

Swann, Pam

From: spudsrus@epix.net
Sent: Monday, July 10, 2006 3:48 PM
To: DocketClerk, MOAB
Subject: UGLY RIPE TOMATOES

TO WHOM IT MAY CONCERN:

WE ARE VERY CONCERNED ABOUT THE FLORIDA TOMATO COMMITTEE PREVENTING UGLY-RIPE TOMATOES FROM BEING SHIPPED OUT OF FLORIDA DUE TO SHAPE ISSUES.

THE UGLY-RIPE IS A SPECIALTY VARIETY THAT SHOULD NOT BE SUBJECT TO THE FLORIDA TOMATO COMMITTEE'S SHAPE ISSUES.

WE WOULD LIKE TO EXPRESS OUR OPINION THAT THE FLAVOR AND THE READY ACCEPTANCE OF THE UGLY RIPE TOMATO IN THE MARKET PLACE SHOULD ALLOW SHIPMENT ALL OVER THE USA WITHOUT ANY RESTRICTION GROWN DURING ANY TIME OF THE YEAR.

PLEASE LET US KNOW IF WE NEED A DIFFERENT FORMAT TO EXPRESS THIS OPINION TO THE USDA.

THANK YOU.

--

Harris Cutler
President
Philip G. Ball Company
The Philip L. Cutler Bldg
600 South State Street
Clarks Summit, PA 18411
Work: 888-776-8286
Cell: 570-313-9300
Home: 570-344-8111
Fax: 570-586-5233
E-mail: spudsrus@epix.net
<http://www.philipgball.com>

Swann, Pam

From: reggie.griffin@kroger.com
Sent: Monday, July 10, 2006 4:36 PM
To: DocketClerk, MOAB
Subject: Ugli Ripe Tomatoes

I support giving an exemption to the Florida Tomato Commission rules that allow Ugli Ripe tomatoes to be marketed year round. They are a different tomato and shouldn't fall victim to old rules for round tomatoes.

Thanks

Reggie Griffin
VP Produce & Floral
The Kroger Co.
Cincinnati, Ohio

Swann, Pam

From: bobolnk@bellsouth.net
Sent: Monday, July 10, 2006 8:29 PM
To: DocketClerk, MOAB
Subject: Ugly Ripe Tomatoes
Attachments: ATTACHMENT.TXT

I'd like to put in my two cents as far as doing whatever it takes to change the rules to allow these great Ugly Ripe tomatoes to be available all year long.

Sincerely,
Robert Jones
145 Forest Ridge Rd.
Maylene, Alabama
35114

7/13/2006



Division of Wal«Mart Stores, Inc.
702 S.W. 8th Street
Bentonville, AR 72716-0580

July 11, 2006

Docket Clerk, Marketing Order Administration Branch
Fruit and Vegetable Programs, AMS
United States Department of Agriculture
1400 Independence Avenue, SW, Stop 0237
Washington, DC 20250-0237

RE: Ugly Ripe Tomatoes

I would like to take the opportunity to offer my support for the proposed rules change to the federal marketing order that would exempt Ugly Ripe Tomatoes from the shape restriction that currently exists for shipping tomatoes out of the state of Florida between October and June.

I feel this is the appropriate action for a couple of reasons:

The first is that it's been our experience that consumers are interested in purchasing this product on a year round basis. Providing consumers with those choices are important, and this exemption will allow retailers to offer this chose year round.

The second reason is that we also feel it's good for the state of Florida to be able to give consumers the opportunity to add to their choices to purchase other products produced in that state. And we feel that it in no way would compromise existing product that is currently being offered. The Ugly Ripe Tomato is a compliment to existing product, not a deterrent.

We encourage AMS to implement their proposed rule change and allow the Ugly Ripe Tomato to be exempt from the shape restriction, and allow this product to be shipped out of state on a year round basis.

Sincerely,

Bruce T. Peterson Jr.
Senior Vice President / General Merchandise Manager
Perishable Food

Swann, Pam

From: mtuttle@lcadevelopment.com
Sent: Tuesday, July 11, 2006 11:19 AM
To: DocketClerk, MOAB
Subject: UglyRipe tomatoes.
Attachments: ATTACHMENT.TXT

We enjoy the UglyRipe tomatoes, and receive them by Fed Ex. We support any effort to ship them year-round to all Americans.

Mills Tuttle

7/13/2006